

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**FILED**

APR 12 2017

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL THOMAS SMITH,

Defendant.

No.

**4:17CR168 JAR/DDN**

**INDICTMENT**

**COUNTS I THROUGH IV - WIRE FRAUD SCHEME**

**TO DEPRIVE ANOTHER OF HONEST SERVICES**

*Introduction*

1. At all relevant times, Defendant Michael Thomas Smith was a resident of Jefferson County which lies within the Eastern District of Missouri.
2. At all relevant times, Byrnes Mill was a city within Jefferson County which lies within the Eastern District of Missouri.
3. Beginning in 2013 and continuing until March 12, 2014, Defendant served as the Chief of the Byrnes Mill Police Department ("BMPD") and was a licensed police officer under the laws of the State of Missouri.
4. As a police officer and Byrnes Mill Chief of Police, Defendant was responsible for enforcement of the laws of the State of Missouri within the city of Byrnes Mill and was required to faithfully and honestly investigate and report upon possible violations of criminal laws and municipal ordinances.
5. Defendant and his colleagues on the BMPD worked with the Jefferson County Prosecuting Attorney's Office in presenting investigations for prosecution in the 23<sup>rd</sup> Judicial Circuit Court of the State of Missouri. The Jefferson County Prosecuting Attorney's Office required Defendant and his colleagues to present complete and

truthful information about investigations referred to it for prosecution.

*The Scheme*

6. The scheme existed from at least September 3, 2013 and continued through at least January 19, 2014.
7. It was the object of the scheme for Defendant to take money and valuable property from the subjects of his investigations, to keep and to trade on his authority and discretion as a police officer to retain money taken from his victims without complaint, all while presenting his investigations to the Byrnes Mill municipal government and the Jefferson County Prosecuting Attorney's office as legitimate, accurate and complete.
8. It was further the object of the scheme for Defendant to conceal his malfeasance by manipulating the evidence control procedures and staffing of the Byrnes Mill Police Department.

*The Manner and Means of the Fraud Scheme*

*Lower Byrnes Mill Road*

9. In was a part of the scheme that, on or about September 3, 2013, Defendant and other members of the BMPD stopped the vehicle of D.L. at a vehicle safety checkpoint on Lower Byrnes Mill Road in the City of Byrnes Mill. D.L. admitted to having consumed some alcohol that day, parked her vehicle nearby and was taken into custody for suspicion of driving while intoxicated.
10. Defendant searched D.L.'s vehicle and took approximately \$800 from the console of the vehicle. These funds were never entered into evidence or otherwise documented by the BMPD. D.L. was ultimately convicted of Driving While Intoxicated and Driving with a Revoked License in the 23<sup>rd</sup> Judicial Circuit Court of the State of Missouri.

*Franks Road*

11. It was a part of the scheme that on October 9, 2013, the Defendant organized a “knock and talk” at a residence in Byrnes Mill on Franks Road. A “knock and talk” involves seeking a consensual interview and search of a drug suspect.
12. It was a part of the scheme that Defendant and other members of the BMPD approached D.C., the owner and occupant of the Franks Road residence, and engaged in a non-custodial interview about the presence of marijuana in her residence. D.C. granted the police consent and a small amount of marijuana was found in her residence. Additionally, D.C. volunteered that she had approximately \$5,000 in savings in her kitchen. Defendant seized that money. These funds were never entered into evidence or otherwise documented. The next day, Defendant returned and took a picture of D.C. with the seized funds but did not return the funds to her.
13. D.C. was released after being held for twenty-four hours in the Jefferson County Jail. No charges were ever issued against her relating to the marijuana found in her residence.

*South Drive*

14. It was a further part of the scheme that, on or about January 19, 2014, Defendant and other members of the BMPD executed a search warrant at a residence in Byrnes Mill on South Drive. The search warrant authorized the police to search for, among other things, illicit drugs and cash proceeds of drug dealing.
15. A small amount of marijuana and drug paraphernalia was recovered during the search. Additionally, approximately \$7,000 was taken from a bible in the bedroom of Mr. and Mrs. M., the owners and occupants of the South Drive residence. Defendant seized that money. These funds were never entered into evidence or otherwise documented by the BMPD.

16. After several months, criminal charges were issued against Mr. and Mrs. M. arising out of the search of their residence in the 23<sup>rd</sup> Judicial Circuit Court. Those charges were later dropped.

*Offense Conduct*

17. Between on or about September 3, 2013 and continuing through on or about January 19, 2014, in the Eastern District of Missouri and elsewhere, in furtherance and execution of the foregoing fraud scheme,

**MICHAEL THOMAS SMITH,**

having devised a scheme to defraud the City of Byrnes Mill and Jefferson County, Missouri of his honest and faithful services and in furtherance and execution of the same did send and cause to be sent wire communications in interstate commerce, to wit: transmission of purported criminal history for the dates and individuals listed below with each transmission constituting a separate count said transmissions traveling between the Eastern District of Missouri and the State of West Virginia:

Count	Date	Subject	Offense
I	September 3, 2013	D.L.	Driving While Intoxicated
II	October 9, 2013	D.C.	Possession of a Controlled Substance
III	January 19, 2014	N.M.	Possession of a Controlled Substance
IV	January 19, 2014	S.M.	Possession of a Controlled Substance

In violation of Title 18, United States Code Sections 1343 and 2.

A TRUE BILL

\_\_\_\_\_  
FOREPERSON

CARRIE COSTANTIN  
Acting United States Attorney

\_\_\_\_\_  
Thomas C. Albus, #96250  
Assistant United States Attorney